

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:18-CV-00132-GCM**

BERISFORD FEARON,

Plaintiffs,

v.

GALLAGHER BASSETT,

Defendants.

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ORDER

THIS MATTER COMES before this Court on Defendant’s Motion to Dismiss. (Doc. No. 3). Plaintiff Berisford Fearon (“Plaintiff”) did not respond to the Motion. The Court issued a *Roseboro* Order on April 19, 2018 which required Plaintiff to respond to the Motion within fourteen (14) days of entry of the Order. (Doc. No. 5). The Order was sent via certified mail to the address provided by Plaintiff. The Order came back as undeliverable on May 22, 2018. Plaintiff has not updated his address with the Court.

Since the filing of the Complaint on January 11, 2018, Plaintiff has not prosecuted his claim against Defendant. Federal Rule of Civil Procedure 41(b) allows the Court to dismiss an action if a plaintiff fails to prosecute his claims. Fed. R. Civ. Pro. 41(b). Therefore, **IT IS ORDERED** pursuant to Federal Rule of Civil Procedure 41(b) that Plaintiff’s Complaint is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to send a copy of this Order to Plaintiff at the address he provided. The Clerk is further directed to close this case.

SO ORDERED.

Signed: December 17, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

